

REMARKS

Upon entry of the instant Amendment, claims 1, 2, 6, 16 and 36-48 are canceled without prejudice or disclaimer of the subject matter recited therein. Additionally, claims 3, 4, 7, 10, 14, 17, 28 and 31-34 are amended. Reconsideration of the rejected claims in view of the following remarks is respectfully requested.

Allowable Claims

Applicant appreciates the indication that claim 3 contains allowable subject matter and would be allowed if presented in independent form. As Applicant has herein presented claim 3 in independent form, Applicant submits that claim 3 should be indicated to be allowed. Furthermore, as all of the remaining pending claims depend from allowable claim 3, Applicant submits that all of the pending claims are in condition for allowance for the following reasons.

Applicant also notes that while Applicant has amended claim 3 and certain other claims to depend therefrom, and cancelled claims 1, 2, 6, 16 and 26-48 from further consideration in this application, Applicant is not conceding in this application that those claims are not patentable over the art cited by the Examiner. The present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications."

Telephone Interview

Applicant appreciates the courtesy extended Examiner Schillinger in the Telephone Interview of April 4, 2008.

In the Interview, Applicant explained that a response to the outstanding Office Action would be directed to the allowable subject matter of claim 3. Specifically, Applicant would present claim 3 in independent form. Applicant also indicated that certain claims which previously depended from claim 1 would be amended to depend to claim 3. Furthermore, many of the withdrawn claims would also be amended to depend from claim 3.

The Examiner indicated that she no problem with such a response and that such a response should place the application in condition for allowance.

35 U.S.C. § 102 Rejection

Claims 1, 2, 4 and 6 were rejected under 35 U.S.C. § 102(b) for being allegedly anticipated by U.S. Patent No. 6,358,813 to HOLMES et al. This rejection is respectfully traversed.

While Applicant disagrees with this rejection for the reasons already made of record, Applicant submits that this rejection is moot inasmuch as these claims have been canceled and/or amended to depend from an allowable claim.

Accordingly, Applicant respectfully requests that the above-noted rejection under 35 U.S.C. § 102(b) should be withdrawn.

35 U.S.C. § 103 Rejection

Claim 5 was rejected under 35 U.S.C. § 103(a) for being allegedly unpatentable over HOLMES alone. This rejection is respectfully traversed.

While Applicant disagrees with this rejection for the reasons already made of record, Applicant submits that this rejection is moot inasmuch as this claim has been amended to depend from an allowable claim.

Accordingly, Applicant respectfully submits that the above-noted rejection under 35 U.S.C. § 103(a) should be withdrawn.

Request for Rejoinder of Non-Elected Claims

Applicant submits that rejoinder of withdrawn claims 7-15 and 17-35 is now proper. Specifically, claims 7-15 and 17-35 should be rejoined because these claims depend from claim 3 which was indicated to be allowable. Applicant refers the Examiner to MPEP 821.04 which indicates that withdrawn claims which depend from or otherwise include all the limitations of the allowable claims will be rejoined if presented prior to allowance and issuance of a final rejection. Accordingly, Applicant requests that the Examiner rejoin all the withdrawn claims directed to the non-elected invention and consider the merits of the same.

Comments on Reasons for Allowance

In response to the Statement of Reasons for Allowance set forth in the Office Action, Applicant wishes to clarify the record with respect to the basis for the

patentability of the indicated claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indication that certain identified features are not disclosed by the references, Applicant submits that the allowed claims in the present application recite a combination of features, and that the basis for patentability of these claims is based on the totality of the recited features.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Any fees required for consideration of the instant response are hereby authorized to be charged to our Deposit Account No. 09-0458.

Respectfully submitted,
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April 4, 2008
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